

**ASSEMBLY BILL**

**No. 97**

**Introduced by Assembly Member Nation**

January 8, 2003

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An act to amend Sections 44579.1 and 48209.16 of the Education Code, relating to schools, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 97, as introduced, Nation. Schools.

(1) Existing law, the Instructional Time and Staff Development Reform Program, requires the Superintendent of Public Instruction to provide each eligible school district, charter school, and county office of education with an allowance of \$270 per day, for up to 3 days, for each certificated classroom teacher or in the case of a charter school, for each classroom teacher, and \$140 per day, for up to one day, for each classified classroom instructional aide and certificated teaching assistant or in the case of a charter school, for each classroom instructional aide and assistant, who participates in staff development on instructional methods, conflict resolution, and academic content in the core curriculum areas that are provided by the school district, charter school, or county office of education.

This bill would include emergency preparedness as curriculum that may be included in staff development.

(2) Existing law authorizes the governing board of any school district to admit pupils residing in another school district to attend any school in that district. Existing law authorizes school districts of residence to limit the number of pupils newly transferring out each year based upon the district's average daily attendance. Existing law credits

the school district of choice, as to pupils admitted to the school district under this authority, with a corresponding increase in average daily attendance for state apportionment purposes. Existing law prohibits the school district of residence from adopting policies that block or discourage pupils from applying for a transfer. Existing law provides that the governing board of a school district may, but is not required to, accept interdistrict transfers, and authorizes a governing board that elects to accept transfers to adopt a resolution to ensure that pupils admitted under the policy are selected through a random, unbiased process that prohibits an evaluation of whether or not the pupil should be enrolled based upon his or her academic or athletic performance. Existing law provides that either the pupil's school district of residence, upon notification of the pupil's acceptance to the school district of choice, or the school district of choice may prohibit the transfer of a pupil or limit the number of pupils so transferred if the governing board of the district determines that the transfer would negatively impact the court-ordered desegregation plan of the district or the voluntary desegregation plan of the district that meets certain criteria or the racial and ethnic balance of the district. Existing law sets forth the procedures for transfer, including the date by which the governing board of the school district of choice must make a final acceptance or rejection of the transfer application and the requirement that the governing board, in case of a rejection, ensure that the determination and specific reasons are accurately recorded in the minutes of the board meeting at which the determination was made.

Under existing law, those provisions become inoperative on July 1, 2003, and are repealed as of January 1, 2004.

This bill would instead make those provisions inoperative on July 1, 2008, and would repeal them as of January 1, 2009. By extending the transfer application duties of the governing board of the school district of choice under these provisions, this bill would impose a state-mandated local program.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 44579.1 of the Education Code is  
2 amended to read:

3 44579.1. (a) There is hereby established the Instructional  
4 Time and Staff Development Reform Program. It is the intent of  
5 the Legislature that this program enhance staff development  
6 opportunities for classroom personnel, but this article ~~shall~~ *does*  
7 ~~not be construed to~~ provide the sole source of funding for staff  
8 development activities for school personnel or ~~to~~ limit in any way  
9 the amount or type of staff development that is provided to school  
10 district personnel from other resources.

11 (b) The State Department of Education shall submit draft  
12 regulations ~~for the purpose of~~ implementing this article to the State  
13 Board of Education for its review and approval. The State Board  
14 of Education shall adopt regulations ~~for the purpose of~~  
15 implementing this article pursuant to Chapter 3.5 (commencing  
16 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
17 Government Code.

18 (c) (1) Each fiscal year, the Superintendent of Public  
19 Instruction shall provide each eligible school district and county  
20 office of education applying for a grant pursuant to this article with  
21 a staff development allowance of two hundred seventy dollars  
22 (\$270) per day, adjusted annually commencing with the  
23 1999–2000 fiscal year for the inflation adjustment calculated  
24 pursuant to subdivision (b) of Section 42238.1, for up to three  
25 days, for each certificated classroom teacher and one hundred  
26 forty dollars (\$140) per day, adjusted annually commencing with  
27 the 1999–2000 fiscal year for the inflation adjustment calculated  
28 pursuant to subdivision (b) of Section 42238.1, for up to one day  
29 for each classified classroom instructional aide and certificated



1 teaching assistant who participates in staff development  
2 instructional methods, including teaching strategies, classroom  
3 management and other training designed to improve pupil  
4 performance, conflict resolution, *emergency preparedness*, and  
5 academic content in the core curriculum areas that are provided by  
6 the school district or county office of education.

7 (2) Each fiscal year, the Superintendent of Public Instruction,  
8 shall provide each eligible charter school applying for a grant  
9 pursuant to this article with a staff development allowance of two  
10 hundred seventy dollars (\$270) per day, adjusted annually  
11 commencing with the 1999–2000 fiscal year for the inflation  
12 adjustment calculated pursuant to subdivision (b) of Section  
13 42238.1, for up to three days, for each classroom teacher and one  
14 hundred forty dollars (\$140) per day adjusted annually  
15 commencing with the 1999–2000 fiscal year for the inflation  
16 adjustment calculated pursuant to subdivision (b) of Section  
17 42238.1, for up to one day for each classroom instructional aide  
18 and assistant who participates in staff development instructional  
19 methods, including teaching strategies, classroom management,  
20 ~~conflict resolution~~, and other training designed to improve pupil  
21 performance, *conflict resolution*, *emergency preparedness*, and  
22 academic content in the core curriculum areas that are provided by  
23 the charter school.

24 (d) To be eligible for a grant pursuant to this article, the staff  
25 development program provided by the school district, charter  
26 school, or county office of education shall meet all of the following  
27 requirements:

28 (1) Meet local educational priorities as defined by the  
29 governing board of the school district, charter school, or county  
30 board of education.

31 (2) Be consistent with regulations defining staff development  
32 activities eligible to receive funding under this section.

33 (e) To qualify as a funded participant, each eligible participant  
34 shall be present for the full staff development day, and records of  
35 attendance shall be maintained in a manner to be prescribed in  
36 regulations. Each staff development day shall be at least as long as  
37 the full-time instructional workday for certificated or classified  
38 instructional employees of the school district. For purposes of this  
39 section, a single staff development day may be conducted over  
40 several calendar days.

(f) (l) Except as provided pursuant to paragraph (2), if the staff development day is conducted after completion of an instructional day, it may not be held on a minimum day for which a parent or guardian was notified pursuant to subdivision (c) of Section 48980.

(2) For staff working in multitrack, year-round schools, not more than two staff development days may be scheduled for “off track” teachers at a school with a minimum day scheduled. In this event, teachers at the multitrack, year-round school who are being paid for service on the minimum days are not eligible for that day of funding under this article.

(g) Notwithstanding Section 45203, probationary and permanent employees in the classified service may not receive regular pay on days during which staff development is offered pursuant to this article unless they are required to report for duty on those days.

(h) A charter school may be eligible to receive funding under this chapter only if the school certifies that it meets the minimum instructional time requirements applicable to school districts.

(i) This section shall be operative in any fiscal year only to the extent that funds are provided for its purposes in the annual Budget Act.

SEC. 2. Section 48209.16 of the Education Code is amended to read:

48209.16. This article shall become inoperative on July 1, ~~2003~~ 2008, and, as of January 1, ~~2004~~, 2009, is repealed, unless a later enacted statute, which becomes effective on or before January 1, ~~2004~~ 2009, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety

- 1 within the meaning of Article IV of the Constitution and shall go
- 2 into immediate effect. The facts constituting the necessity are:
- 3 In order to ensure at the earliest possible time that the efficient
- 4 operation of public schools is not diminished, it is necessary that
- 5 this act take effect immediately.

